

## CIVIL AVIATION AMENDMENT BILL

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### EXPLANATORY NOTE

This Bill establishes a security service for airports and navigation installations in New Zealand, and also provides for the control of tariffs.

*Clause 1* relates to the Short Title.

*Clause 2* inserts various new definitions into the interpretation clause of the principal Act.

*Clause 3* adds to the principal functions of the Ministry of Transport the function of providing an airport security service.

*Clause 4* adds a new *Part IVA* to the principal Act, relating to the Airport Security Service, which will extend airport security by undertaking certain security duties not performed by the Police.

*Section 21A* creates the Security Service and provides that the Secretary is to be responsible for its administration.

*Section 21B* provides that the principal functions of the Security Service are to be the prevention of hijacking and similar crimes, and the protection of the public and property from dangers arising from the commission or attempted commission of crimes of that kind. The Security Service is to carry out various searching and screening duties, inform itself of possible threats to civil aviation and methods of guarding against them, undertake and promote any research thought desirable by the Secretary, maintain a liaison with all bodies in New Zealand and overseas connected with civil aviation and its protection, and generally to prevent unlawful interference with civil aviation in New Zealand.

*Section 21C* authorises the Minister to designate aerodromes and navigation installations as security aerodromes and installations.

*Section 21D* authorises security officers to enter designated aerodromes and installations, and aircraft and buildings in them. The authority does not extend to private aircraft or vehicles unless a security officer believes on reasonable grounds that a person or thing inside may constitute a danger to people or property. If the Police are in control of a situation, the powers of entry of the Security Service may be limited by the senior member of the Police present.

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*Section 21E* relates to security areas. No person other than a policeman on duty or a security officer may enter such an area without the authority of the Secretary or the relevant airport manager or other person controlling it. A person found in a security area by a security officer must, if requested, state his name and address and produce evidence of them, and state his authority to enter the area. If he will not do this, or if the evidence of his name and address does not satisfy the security officer, he may be ordered to leave the area and must forthwith do so. If a person ordered to leave a security area refuses to do so he may be forcibly removed.

It is made an offence for a person to fail or refuse to state his name, address, or authority, when requested by a security officer pursuant to *subsection (3)*, and to fail forthwith to leave a security area when ordered to do so. A person who persists in failing to give his name, address, and purpose, or in failing to leave when ordered, may be detained and handed over to the Police.

Passengers embarking or disembarking through the gateways and thoroughfares approved by the airport manager, do not commit an offence if, in the process, they go through a security area.

*Section 21F* gives a security officer powers of arrest in respect of crimes against the Aviation Crimes Act 1972 and section 16 of the Arms Act 1958 (relating to the unlawful carrying of firearms, ammunition, and explosives).

*Section 21G* requires a member of the Police to whom a person detained by a security officer is handed over to arrest that person if the member of the Police has reasonable grounds to suspect the person of having committed an offence against *section 21E* or any of the enactments specified in *section 21F (1)*, and protects security officers and persons assisting them from liability in respect of persons in good faith detained and handed over to the Police.

*Section 21H* empowers the Police to do anything a security officer may do.

*Section 21I* makes it an offence to impersonate or obstruct a security officer.

*Section 21J* makes a person convicted of an offence under *section 21E* or *section 21I* liable to a fine of up to \$500, up to 3 months' imprisonment, or both.

*Clause 5* empowers the making of regulations enabling the Secretary to control passenger and cargo tariffs, so as to prevent certain discounting and other practices that are contrary to various international agreements, and the making of regulations providing for the issue of identity cards by the Secretary for Transport. Regulations may also be made requiring the keeping of records, and providing for their inspection.

*Clause 6* makes consequential amendments to the Aviation Crimes Act 1972.

*Hon. Mr McLachlan*

## CIVIL AVIATION AMENDMENT

### ANALYSIS

Title	21c. Designated aerodromes and navigation installations
1. Short Title	21d. Right of access
2. Interpretation	21e. Security areas
3. Principal functions of the Department	21f. Powers of arrest
4. New Part inserted	21g. Arrest of persons delivered to Police
	21h. Powers of Police
	21i. Personation or obstruction of security officers
	21j. Offences and penalties
	5. Regulations
	6. Consequential amendments

### PART IVA

#### AIRPORT SECURITY SERVICE

- 21A. Airport Security Service
- 21B. Functions of Security Service

### A BILL INTITULED

#### An Act to amend the Civil Aviation Act 1964

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same,  
5 as follows:

1. Short Title—This Act may be cited as the Civil Aviation Amendment Act 1976, and shall be read together with and deemed part of the Civil Aviation Act 1964\* (hereinafter referred to as the principal Act).

\*1964, No. 68  
Amendments: 1969, No. 9; 1970, No. 52; 1971, No. 22; 1971, No. 85;  
1975, No. 34

**2. Interpretation**—Section 2 of the principal Act is hereby amended by inserting, in their appropriate alphabetical order, the following definitions:

- “‘Designated aerodrome’ means an aerodrome for the time being designated as a security aerodrome pursuant to section 21c of this Act: 5
- “‘Designated installation’ means a navigation installation for the time being designated as a security navigation installation pursuant to section 21c of this Act: 10
- “‘Justified’ has the meaning assigned to it by section 2 of the Crimes Act 1961:
- “‘Navigation installation’ means any building, facility, works, apparatus, equipment, or place, which is not part of an aerodrome, but is used wholly or mainly to assist air traffic control or as an aid to air navigation, and includes any land adjacent to any such building, facility, works, apparatus, equipment, or place and used wholly or mainly in connection therewith: 15 20
- “‘Security area’ means an area that the Director has, pursuant to section 21E (1) of this Act, declared to be a security area:
- “‘Security officer’ means a person for the time being employed in the Security Service: 25
- “‘Security Service’ means the Airport Security Service established by section 21A (1) of this Act.”

**3. Principal functions of the Department**—Section 5 (1) of the principal Act is hereby amended by inserting, after paragraph (f), the following paragraph: 30

“(ff) To provide an airport security service.”

**4. New Part inserted**—The principal Act is hereby further amended by inserting, after Part IV, the following Part:

**"PART IVA**

**"AIRPORT SECURITY SERVICE**

5 "21A. **Airport Security Service**—(1) There shall be a branch of the Civil Aviation Division of the Ministry of Transport to be called the Airport Security Service.

"(2) The Secretary shall be responsible for the administration of the Security Service.

10 "21B. **Functions of Security Service**—(1) The principal functions of the Security Service shall be, in conjunction with the Police of New Zealand, to prevent the commission of crimes under the Aviation Crimes Act 1972 and to protect persons and property from dangers arising from the commission or attempted commission of such crimes.

15 "(2) Without limiting the powers, functions, duties, or responsibilities of the Police of New Zealand under this or any other enactment, and without limiting the generality of subsection (1) of this section, the Security Service shall—

20 "(a) Establish and maintain a programme for the prevention of acts of unlawful interference with civil aircraft, aerodromes, and navigation installations within New Zealand, and for the protection of persons and property likely to be endangered by such acts:

25 "(b) Carry out passenger and baggage screening, and, where necessary, searches of passengers, baggage, cargo, aircraft, aerodromes, and navigation installations:

30 "(c) Review, and keep itself informed on possible threats to civil aviation, and facilities connected with civil aviation:

"(d) Review, inquire into, and keep itself informed on security techniques, systems, devices, practices, and procedures related to the protection of civil aviation and persons employed in or using it:

35 "(e) Undertake, or encourage or supervise, such experimental or research work in respect of any aspect of aviation security as the Director of the Civil Aviation Division may think desirable:

“(f) For the purposes of better carrying out any of its functions under this Act, co-operate with the police, government departments, airport authorities, airline operators, and authorities administering the airport security services of, other countries, and with any appropriate international organisation: 5

“(g) Exercise and perform such other functions and duties as may be conferred on it by any enactment.

“21c. Designated aerodromes and navigation installations— 10

(1) The Minister may, by notice in the *Gazette*, designate any aerodrome or navigation installation as a security aerodrome or security navigation installation.

“(2) Any designation under subsection (1) of this section may at any time be revoked, in whole or in part, or amended by the Minister by notice in the *Gazette*. 15

“21d. Right of access—(1) Subject to subsections (2) and (3) of this section, a security officer on duty may at any time enter any designated aerodrome or designated installation, or any aircraft, building, or place in any part of a designated aerodrome or designated installation, for the purpose of exercising and carrying out his powers, functions, and duties under this Act. 20

“(2) Where the Police have taken command of any situation at an aerodrome or navigation installation, the rights of security officers to enter any part thereof or any aircraft, building, or place shall be subject to such limitation as the senior member of the Police present specifies. 25

“(3) Subsection (1) of this section shall not apply to an aircraft or vehicle not being used for commercial purposes unless the security officer believes on reasonable grounds that there is in that vehicle or aircraft any person or thing likely to endanger the aerodrome or installation or any of its facilities or any person. 30

“21e. Security areas—(1) The Secretary may for security reasons declare, by a sign or signs affixed at the perimeter thereof, that an area within a designated aerodrome or designated installation is a security area. 35

“(2) No person other than a member of the Police on official duties or a security officer shall enter or remain in any security area unless authorised by the Secretary or the airport manager or other person having control thereof. 40

“(3) Every person in a security area shall, on the request of a security officer, state his name and address (and produce satisfactory evidence of its correctness) and the purpose of his presence in the security area and his authority to enter it.

5 “(4) A security officer may order to leave a security area any person who has failed or refused to give satisfactory evidence of his name and address when so requested by the security officer, or who has failed to satisfy the security officer that he is authorised to be there.

10 “(5) A security officer, and any person whom he calls to his assistance, may use such force as may be reasonably necessary to remove from any security area any person who fails or refuses forthwith to leave the security area after having been ordered by a security officer to do so pursuant to  
15 subsection (4) of this section.

“(6) Every person commits an offence against this Act who, on being found in a restricted area,—

20 “(a) Fails or refuses to state his name and address, and his authority to enter the security area after having been requested to do so under subsection (3) of this section by a security officer; or

“(b) Fails or refuses forthwith to leave the security area after having been ordered by a security officer to do so.

25 “(7) Every person who commits an offence under subsection (6) of this section and, after having being warned that he commits that offence, persists in its commission, may be detained by a security officer; and in that case he shall as soon as may be practicable be delivered to a member of the Police.

30 “(8) A passenger embarking or disembarking directly through gateways or thoroughfares in an airport approved for that purpose by the manager of the airport shall be deemed to be authorised by the Secretary to pass through any security area forming part of those gateways or thorough-  
35 fares.

“21F. Powers of arrest—(1) Every security officer is justified in arresting without warrant any person on or in the vicinity of any designated aerodrome or designated installation if he has reasonable grounds to believe that an offence has been or  
40 is being committed by that person against any of the following enactments:

“(a) Sections 3, 4, 5, and 11 of the Aviation Crimes Act 1972:

“(b) Section 16 of the Arms Act 1958 (which relates to unlawful carriage of firearms, ammunition, or explosives). 5

“(2) Any person called upon to do so by a security officer is justified in assisting him in good faith to arrest any person.

“(3) A security officer shall as soon as may be practicable deliver any person he arrests to a member of the Police.

“21G. Arrest of persons delivered to Police—(1) A member of the Police shall accept delivery of a person whom a security officer seeks to deliver to him under this Part of this Act if he has reasonable grounds to suspect that person of having done or omitted anything that is an offence against section 21E (6) of this Act or any enactment specified in section 21F (1) of this Act. 10 15

“(2) A member of the Police who accepts delivery of a person pursuant to subsection (1) of this section shall forthwith arrest that person.

“(3) A security officer who detains any person in accordance with the provisions of section 21E (7) of this Act and delivers him to a member of the Police, and any person who at his request and in good faith assists a security officer in doing so, is justified in so detaining and delivering that person and in using such force as may be reasonably necessary in doing so. 20 25

“21H. Powers of Police—Every member of the Police shall have and may exercise all or any of the powers conferred on a security officer by this Part of this Act.

“21I. Personation or obstruction of security officers—Every person commits an offence against this Act who: 30

“(a) Not being a security officer, by words, conduct, or demeanour, pretends that he is a security officer, or puts on or assumes the dress, name, designation, or description of a security officer; or 35

“(b) Wilfully obstructs, or incites or encourages any person to obstruct, a security officer in the execution of his duty.

“21J. Offences and penalties—Every person who commits an offence against section 21E (6) or section 21I of this Act shall be liable on summary conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$500, or to both.” 40

5. Regulations—(1) Section 29 (2) of the principal Act is hereby amended by inserting, after paragraph (e), the following paragraphs:

5 “(ea) Providing for the approval, regulation, control, prescription, substitution, and amendment by the Secretary of tariffs for the carriage by air of persons and cargo between New Zealand and any place outside New Zealand and requiring the adherence to all or any of the tariffs so approved, regulated, controlled, prescribed, substituted, or amended of persons engaged in providing or arranging such carriage:

10 “(eb) Requiring airline operators, travel agents, tour wholesalers, freight forwarders, customs agents, and other persons in New Zealand engaged in the provision or arrangement of carriage by air for passengers or cargo (whether for reward or on behalf of members or employees, and whether or not that transport is intended to be provided together with any other service or form of transport) to keep, for such period as may be prescribed, and make available for inspection by the Secretary or persons authorised by him, books, records (including computer records), documents, papers, and receipts relating to all or any of the following matters:

15 “(i) The fares charged or intended to be charged for the carriage by air of any passenger or group of passengers and the conditions subject to which those fares apply or are intended to apply:

20 “(ii) The charges made or intended to be made for the carriage of baggage and cargo by air, and the conditions subject to which those charges apply or are intended to apply:

25 “(iii) The charges and conditions for agency commissions charged, paid, offered, provided, or demanded in respect of the carriage or intended carriage by air of passengers, baggage, and cargo:

30 “(iv) The rewards, bonuses, rebates, discounts, in-flight services and privileges, and other benefits advertised, offered, given, paid, provided, or allowed in respect of the carriage or intended carriage by air of passengers, baggage, and cargo:

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“(v) In the case of any service comprising both transport by air and any other services (such as accommodation, entertainment, admission to any place or event, the provision of a guide, food, the provision of equipment, or transport of any other kind) the proportion of the total amount of any charge made or intended to be made therefor that is attributable to each other service: 5

“Provided that this paragraph shall not apply to carriage by air within New Zealand. 10

“(ec) Providing for the issue of identification cards by the Secretary to any person or class of person, and prescribing the circumstances within an aerodrome or navigation installation in which a person to whom such a card is issued must produce or display it:” 15

(2) The said section 29 is hereby further amended by inserting in subsection (3) (as amended by section 7 (1) of the Civil Aviation Amendment Act 1975), before the words “Any regulations”, the words “Subject to subsection (3A) of this section,”. 20

(3) The said section 29 is hereby further amended by inserting, after subsection 3, the following subsection:

“(3A) Any regulations made under subsection (2) (ea) of this section may prescribe offences in respect of the contravention of or non-compliance with the regulations and the amounts of the fines that may be imposed in respect of any such offences, which fines shall be an amount not exceeding \$5,000.” 25

**6. Consequential amendments**—(1) Section 2 of the Aviation Crimes Act 1972 is hereby amended by inserting, after the definition of the term “ordinarily resident in New Zealand”, the following definition: 30

“‘Security officer’ means a security officer within the meaning of the Civil Aviation Act 1964.”.

(2) Section 12 (1) of the Aviation Crimes Act 1972 is hereby amended by inserting, after the words “New Zealand Police,”, the words “any security officer,”. 35

(3) Section 12 (5) of the Aviation Crimes Act 1972 is hereby amended by inserting, after the words “for that purpose”, the words “, or any security officer,”. 40